

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**WAYLON J. PICOTTE, SR.,  
Petitioner,**

**v.**

**Case No. 13-C-0853**

**BRIAN FOSTER, Warden,  
Kettle Moraine Correctional Institution,  
Respondent.**

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**ORDER**

Waylon Picotte, Sr., has filed a habeas petition pursuant to 28 U.S.C. § 2254. On November 15, 2013, respondent filed a motion to dismiss the petition. Under the briefing schedule I set in my order reviewing the petition pursuant to Rule 4 of the Rules Governing § 2254 Cases, Picotte's brief in opposition to the motion to dismiss was due within 45 days of November 15. To date, however, Picotte has not filed a response. Picotte is hereby advised that if he does not file a response to the respondent's motion within thirty days of the date of this order, I will assume that he does not oppose the motion and will grant it.

Accordingly, **IT IS ORDERED** that unless the petitioner files a response to respondent's motion to dismiss within thirty days of the date of this order, I will assume that the motion is unopposed and will grant it.

Dated at Milwaukee, Wisconsin, this 16th day of January, 2014.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge